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|---------------------------------------|---|----------|
| In re Application of: | : | |
| SCHULTE, Jorg, et al. | : | DECISION |
| U.S. Application No.: 10/532,284 | : | |
| PCT No.: PCT/EP03/11585 | : | |
| Int'l Filing Date: 18 October 2003 | : | |
| Priority Date: 22 October 2002 | : | |
| Attorney's Docket No.: 09086-00224-US | : | |
| For: PREPARATION OF | : | |
| SUBSTITUTED INDENES | : | |

This decision is issued in response to applicants' "Petition Under 37 CFR 1.53 To Correct Official Filing Receipt" filed 04 December 2006. No petition fee is required.

BACKGROUND

On 18 October 2003, applicants filed international application PCT/EP03/11585. The international application claimed a priority date of 22 October 2002 and it designated the United States. On 06 May 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entering the national stage in the United States was thirty months from the priority date, i.e., 22 April 2005.

On 21 April 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, an Application Data Sheet (ADS), and a preliminary amendment. The ADS indicated that the present application claimed the benefit of U.S. provisional application 60/425,445 and German application number 10249325.1, and the preliminary amendment included an amendment to the first sentence of the specification referencing these prior filed applications.

On 08 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied on 21 April 2006. On the same date, a filing receipt was issued. The filing receipt indicated that the application was a "371 of PCT/EP03/11585," but it did not list either of the two prior applications to which benefit was claimed (U.S. provisional application 60/425,445 and German application number 10249325.1).

On 17 August 2005, applicants filed a "Request For Corrected Filing Receipt" seeking to have the priority claims to the U.S. provisional application and the German application added to the filing receipt.

On 17 November 2006, a "Notice of Allowance and Fee(s) Due" (Form PTOL-85) was mailed.

On 04 December 2006, applicants filed the "Petition Under 37 CFR 1.53 To Correct Official Filing Receipt" considered herein. The petition included a request for expedited handling, and the authorization to charge applicants' Deposit Account for a \$130 expedited handling fee and a \$130 petition fee.

DISCUSSION

A review of the application file confirms that the claim of benefit to U.S provisional application 60/425,445 and to German application number 10249325.1 should have been included in the filing receipt mailed herein. Applicants' request for a corrected filing receipt is therefore properly granted.

Under the present circumstances, a petition and/or a request for expedited handling are not required. Accordingly, the petition and request for expedited handling filed 04 December 2006 are moot, and no petition fee or fee for expedited handling will be charged to applicants' Deposit Account.

CONCLUSION

Based on the above, the petition under 37 CFR 1.53 and the request for expedited handling filed 04 December 2006 are **DISMISSED AS MOOT**.

Mailed herewith is a corrected filing receipt that includes the references to the prior-filed applications.



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Encl: Corrected Filing Receipt